

UNITED STATES SPECIAL OPERATIONS COMMAND

TECHNICAL INDUSTRIAL LIAISON OFFICE

7701 TAMPA POINT BOULEVARD

TAMPA, FL 33621-5323

Research, Development, and Acquisition

GUIDE FOR UNSOLICITED PROPOSALS

TABLE OF CONTENTS

| | <u>PAGE</u> |
|---|--------------------|
| Foreword | 2 |
| Definitions | 3 |
| Limited Use of Data | 4 |
| Preparation Instructions | 5 |
| Evaluation | 6 |
| Contracting Methods | 7 |
| Where to Submit Unsolicited Proposals | 8 |
| Policy statement and Memorandum of Understanding for Evaluation of Unsolicited Proposals for Contract or Consideration | Enclosure 1 |

FOREWORD

In accomplishing its mission, the United States Special Operations Command (USSOCOM) begins with approved materiel requirements established jointly by USSOCOM and its major components. New materiel is acquired by:

- (1) buying commercial off-the-shelf products or items requiring little or no development effort for militarization
- (2) adopting an item used by another U.S. Service or foreign armies
- (3) product-improving current standard systems or items
- (4) developing new materiel through development programs

USSOCOM is responsible for all special operations-unique components and end items; and indirectly influences the Services materiel acquisitions so they meet specific special operations requirements.

USSOCOM welcomes all unsolicited proposals and appreciates the contribution they may make toward ensuring the continued superiority of the United States special operations forces (SOF) and the military Services through technological leadership.

This publication is designed to aid in the preparation and submission of unsolicited proposals from those organizations, or individuals, not having access to the Federal Acquisition Regulation (FAR). Many of the instructions in this pamphlet are taken from, and are dependent on, FAR 15.600, and Department of Defense FAR Supplement (DFAR) Part 35. Copies of the Federal Acquisition Regulation and the Defense Federal Acquisition Regulation Supplement are available from:

The Superintendent of Documents
U.S. Government Printing Office
Washington, D.C. 20420
(202) 783-3238.

Some or all of these documents may be held in one of the 1390 Government Depository Library collections at major libraries across America.

DEFINITIONS (FAR 15.601)

Advertising material means material designed to acquaint the Government with a prospective contractor's present products, services, or potential capabilities, or designed to stimulate the Government's interest in buying such products or services.

Commercial item offer means an offer of a commercial item the vendor wishes to see introduced in the Government's supply system as an alternate or a replacement for an existing supply item. This term does not include innovative or unique configurations or uses of commercial items being offered for further development and submitted as an unsolicited proposal.

Contribution means a concept, suggestion, or idea presented to the Government for its use with no indication the source intends to devote any further effort to it on the Government's behalf.

Unsolicited proposal means a written proposal for a new or innovative idea submitted to an agency on the initiative of the offeror for the purpose of obtaining a contract with the Government, and is not in response to a request for proposals, Broad Agency Announcement, Small Business Innovation Research topic, Small Business Technology Transfer Research topic, Program Research and Development Announcement, or any other Government-initiated solicitation or program. [FAC 97-2, 62 FR 51224, 9/30/97, effective 10/10/97]

Technical Correspondence is a written request for information regarding Government interest in research areas, submission of research descriptions, pre-proposal explorations, and other written technical inquiries.

We encourage potential offerors to make preliminary contacts with appropriate USSOCOM technical personnel (scientists and engineers) before preparing a detailed unsolicited proposal or submitting proprietary data. We strongly stress you talk to the activity's Technical Industrial Liaison Officer (TILO). Such contacts can answer questions regarding the general need for the type of effort contemplated, and can serve the limited purpose of obtaining an understanding of USSOCOM's mission and responsibilities relative to the type of effort contemplated. Neither the potential offeror, nor the USSOCOM personnel contacted, should consider such contacts as negotiations in contemplation of any contractual end work for the USSOCOM by either party. Preliminary contact will allow ultimate referral to the appropriate organization, saving considerable time and effort because in many cases it is not clear whether USSOCOM or one of the Services would be the appropriate organization to submit your proposal to, and the Services are composed of organizations with varied functional areas of responsibility. This Pamphlet is designed to give the reader a point of contact within USSOCOM and the basic information necessary to submit an unsolicited proposal.

LIMITED USE OF DATA (FAR 15.609)

In order to protect the offeror's proprietary data, the title page of the unsolicited proposal must be marked with the legend:

“This proposal includes data that shall not be disclosed outside the Government and shall not be duplicated, used, or disclosed--in whole or in part--for any purpose other than to evaluate this proposal. However, if a contract is awarded to this offeror as a result of--or in connection with--the submission of these data, the Government shall have the right to duplicate, use, or disclose the data to the extent provided in the resulting contract. This restriction does not limit the Government’s right to use information contained in these data if they are obtained from another source without restriction. The data subject to this restriction are contained in Sheets [insert numbers or other identification of sheets]”

The offeror shall also mark each sheet of data it wishes to restrict with the following legend: *“Use or disclosure of data contained on this sheet is subject to the restriction on the title page of this proposal.”*

USSOCOM policy requires the coordinating office return to the offeror any unsolicited proposal marked with a legend **other than provided in FAR 15.609(a)**. The return letter will state the proposal cannot be considered because it is impracticable for the Government to comply with the legend and the agency will consider the proposal if it is resubmitted with the proper legend.

In order to call attention to the proprietary nature of unsolicited proposals: The agency point of contact shall place a cover sheet on the proposal or clearly mark it

Unsolicited Proposal--Use of Data Limited,

All Government personnel must exercise extreme care to ensure the information in this proposal is not disclosed to an individual who has not been authorized access to such data in accordance with FAR 3.104, and is not duplicated, used, or disclosed in whole or in part for any purpose other than evaluation of the proposal, without the written permission of the offeror. If a contract is awarded on the basis of this proposal, the terms of the contract shall control disclosure and use. This notice does not limit the Government’s right to use information contained in the proposal if it is obtainable from another source without restriction. This is a Government notice, and shall not by itself be construed to impose any liability upon the Government or Government personnel for disclosure or use of data contained in this proposal. (FAR Part 15, Subpart 15.6, 15.609 (d)),

unless the offeror clearly states in writing no restrictions are imposed on the disclosure or use of the data contained in the proposal.

PREPARATION INSTRUCTIONS

An unsolicited proposal is perhaps the best way to present your independently originated programs to USSOCOM, and to determine if they have potential usefulness to USSOCOM or the Services. It is most important the proposal be prepared with care in order to facilitate its consideration. Specifically, a valid unsolicited proposal must meet all of the following criteria:

- Not be more properly classified as advertising material, commercial product offer, and/or technical correspondence (see "Definitions).
- Be innovative, unique, and have military application. For USSOCOM-specific proposals, the offering must be directly applicable to our specific mission needs. Those proposals more appropriately applicable to entire military department normally having cognizance over the technology described should be directed to the appropriate Service.
- Be independently originated and developed by the offeror.
- Be prepared without Government supervision.
- Include sufficient detail to permit a determination that Government support could be worthwhile, and the proposed work could benefit the agency's research and development or other mission responsibilities.
- Not be an advance proposal for a known agency necessity that can be acquired by competitive methods.

To permit consideration of your unsolicited proposal in an objective and timely manner, you should include the following:

Basic information:

- Your name and address and type of organization (e.g., profit, nonprofit, educational, small business).
- Names and telephone numbers of technical and business personnel for the technical evaluators and contracting personnel to contact for evaluation or negotiation purposes.
- Identification of any proprietary data to be used only for evaluation purposes .

- Names of other Federal, State, local agencies, or parties to whom you have submitted the proposal.
- Date of submission.
- Signature of a person authorized to represent and contractually obligate the offeror.

Technical information:

- Concise title and abstract (approximately 200 words).
- A detailed discussion stating: (1) The objectives of the effort or activity; (2) The method of approach and extent of effort to be employed, with particular emphasis on its unique features; (3) The relation to the state-of-the-art; (4) The nature and extent of the anticipated results; and (5) The manner in which you expect the work will help to support accomplishment of the receiving agency's mission.
- Names and biographical information on your key and alternative personnel who would be involved.
- Type of support, if any, needed from the agency (e.g., facilities, equipment, materials, or personnel resources).

Supporting information:

- Proposed price or total estimated cost for the effort in sufficient detail for meaningful evaluation
- Period of time for which the proposal is valid (a six-month minimum is suggested).
- Proposed duration of effort.
- Brief description of your organization, previous experience in the field, and facilities to be utilized.
- Required statements, if applicable, about organizational conflicts of interest, security clearance, and environmental impacts.
- Properly execute a copy of “Policy Statement and MOU” (Enclosure 1)

EVALUATION

Appropriate personnel engaged in the technical areas of effort similar to the unsolicited proposal will conduct an evaluation of unsolicited proposals that satisfy the criteria outlined herein. If the evaluator requests further information, submission will be at your expense and risk, and shall create no obligation on the Government. The following are some factors considered by USSOCOM technical personnel in

evaluating unsolicited proposals. Military commands generally use similar factors to evaluate Unsolicited Proposals:

- Unique and innovative approaches or ideas.
- Overall scientific, technical, or socio-economic merit of the proposal.
- Potential contribution of the effort to the agency's specific mission.
- Your capabilities, related experience, facilities, techniques, or unique combinations of these that are-integral factors for achieving the proposed objectives.
- The qualifications, capabilities, and experience of your proposed principal investigator, team leader, or key personnel who are critical in achieving the proposed objectives.
- Realism of the proposed cost and availability of funds.

CONTRACTING METHODS

You must be aware that a favorable technical evaluation of an unsolicited proposal **does not**, in itself, justify negotiations and award on a **non-competitive basis** (Emphasis Added). For example, we may reject your unsolicited proposal if it:

- Is available to the Government without restriction from another source.
- Closely resembles a pending or existing competitive solicitation.
- Is otherwise not sufficiently innovative and unique to justify a sole source award.

We, of course, tell you why we are rejecting your proposal. We retain a copy of all rejected unsolicited proposals to avoid any future misunderstanding regarding what was submitted.

Please note **only duly constituted contracting officers have the authority to contractually bind the Government**. All other personnel who receive, handle, or evaluate unsolicited proposals are not authorized to commit the Government.

We may only consider funding unsolicited proposals offering significant advancement in the state-of-the-art or innovation. If the evaluator recommends the proposal for acceptance, funding may take some time to program or reprogram. Any necessary contractual details will be handled by the agency contracting activity. Most important, awards for efforts other than pure research are subject to the Competition in Contracting Act of 1984.

WHERE TO SUBMIT UNSOLICITED PROPOSALS

All unsolicited proposals dealing directly with any element of United States Special Operations Command shall be submitted to:

HQ USSOCOM
ATTN: Technical Industrial Liaison Officer (SOAL-MT)
7701 Tampa Point Boulevard
MacDill Air Force Base, Florida 33621-5323

By now, you have read the body of this guide and understand the uses of unsolicited proposals and their limitations. You also know how to prepare and submit an unsolicited proposal. Follow these instructions and submit **three** copies of your proposal to the USP coordinator, along with an executed copy of the Memorandum of Understanding (Enclosure 1). **Do not submit your proposal to the technical personnel with whom you had preliminary discussions.**

It is our responsibility to; provide you with guidance on how to submit an unsolicited proposal (*the purpose for this guide*); to provide information (*consistent with your security clearance and need-to-know criteria*) on current USSOCOM technological challenges and requirements; and to process your proposal in a timely manner (*to acknowledge receipt within 10 days and provide an interim or final answer within 90 days*).

**UNITED STATES SPECIAL OPERATIONS COMMAND
POLICY STATEMENT AND MEMORANDUM OF UNDERSTANDING
FOR THE EVALUATION OF UNSOLICITED PROPOSALS FOR CONTRACT**

Prior to final USSOCOM evaluation of any article of equipment, material, or disclosure of information for evaluation or testing, the individual, firm, or corporation submitting such article, invention, or disclosure must understand and agree to the following policy. (Reference: Federal Acquisition Regulation, Subpart 15.600)

POLICY

1. United States Special Operations Command (USSOCOM) has a continuing interest in receiving and evaluating proposals containing new ideas, suggestions, and inventive concepts for weapons, supplies, facilities, devices, and equipment. Government employees and contractors are constantly engaged in research and development activities, however, and may already know the substance of your proposal. It may even be in the public domain. For such reasons, we have found it desirable, when receiving proposals for evaluation, to ensure the persons submitting them are aware of the conditions under which USSOCOM may consider proposals for evaluation.
2. You should understand our receipt and evaluation of the proposal does not imply a promise to pay, a recognition of novelty or originality, or any relationship might require the Government to pay for the use of information to which we are otherwise lawfully entitled.
3. The Government will exercise due care to ensure, in addition to the technical design or concept data submitted, and financial and management plans also submitted will not be used by the Government for any purpose other than for the evaluation of the proposal.
4. USSOCOM handles voluntary submissions in accordance with established Government procedures for safeguarding such articles or information against unauthorized disclosure. In addition, we shall not disclose the data forming a part of or constituting the submission outside the Government nor shall we duplicate, use, or disclose the data in whole or in part, except for record purposes or to evaluate the proposal. However, we may need the assistance of a contractor, such as a systems engineering and technical analysis contract, to assist in this evaluation. If a contractor is used to assist USSOCOM in an evaluation, the contractor shall sign appropriate nondisclosure statements. This restriction extends to and includes financial and management-plan information submitted with, or forming a part of, the proposal. This restriction does not limit the Government's right to use information in such data if we have obtained it from another source, or if it is in the public domain. We may have proposals, without restrictive markings, we receive from educational or non profit organizations evaluated outside the Government provided the evaluators agree in writing not to reproduce, use, or disclose the information in whole or in part, except for the purpose of evaluation.
5. USSOCOM will furnish you with information covering the results of our evaluations or tests if you request. You may not construe the information as a Government endorsement of the articles or subject matter of the disclosure. You may not use the information in whole or in part of or advertising purposes with industry or other Government agencies.

THIS IS A LEGAL DOCUMENT. READ IT CAREFULLY AND BE SURE YOU UNDERSTAND IT BEFORE SIGNING IT.

MEMORANDUM OF UNDERSTANDING

I, the undersigned, on behalf of myself or _____ (company, or corporation) have read the above policy statement and have made a disclosure of a proposal to USSOCOM relating to _____.

It is understood USSOCOM has accepted the above proposal for the purpose of evaluating it and advising of any possible USSOCOM interest. It is further understood such acceptance does not imply or create: a promise to pay; an obligation to give up any legal right or to assume any duty; a recognition of novelty, originality or priority; or any relationship, contractual or otherwise, such as would render the Government liable to pay for or to give up any legal right to assume any obligation for disclosure or use of any information in the proposal to which the Government would otherwise lawfully be entitled.

SIGNATURE PRINTED OR TYPED NAME

TITLE OR POSITION DATE
(AUTHORIZED TO BIND SAID CORPORATION, IF ANY)